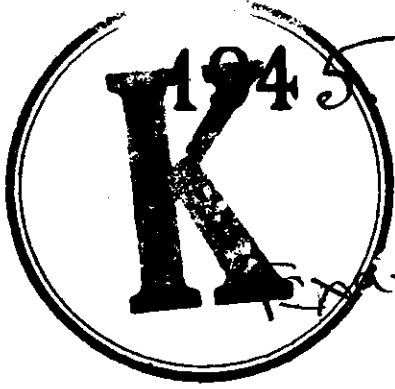




File No. S. Bij. 4/45

Examined Legal DEPARTMENT
A BRANCH

Subject:—

Suits Bijapur.

Civil Suit No. 558 of 1944.

(1) Neelappa Bhimappa Totad (2) Bhimappa
Tammanna Totad. plffs.

Vs.

The Province of Bombay — — — Dept.

claim Rs. 15/-

Re: Encroachment on Govt. land.

P. 11
L

File No.

S. Bij 4/45

9

I (i) Bijpur C.S. No. 558/1944.

(ii) The suit was instituted on 5-12-44 in the Court of F.C. Sub-Judge Bijapur.

III. The parties are as follows :-

1. Neelappa Bhimappa Totad.
2. Bhimappa Ram Ram Totad, both of Halgani, Taluka Bijapur.

vs. V.S.

The Province of Bombay.

iv. The amount of claim is Rs. 15/-

The date fixed by the Court for first appearance was 8-2-45.

vi. Notice of suit has been given under section 80 C.P.C. It is dated 2-10-44 and was delivered on 4-10-44.

II (a) Copy of the plaint in the regional language is at pages 11-13 file II.

(b) A translation of the plaint in English is at pages 15 (file II)

(c) The facts of the case and the circumstances which led to the present suit are detailed in the Plaint Officer's order (pages 127-130) among the papers. They are in brief as under :-

The village officers of Halgani Taluka Bijapur reported to the Mamlatdar of 41. Apr. on 22-5-42 that, Neelappa P. H. had encroached upon the public way leading to the Basवेश्वर temple by fixing up a few sticks and bamboos across the way that runs between his two houses. On the village officer's report, the Treasury Head Karkun, who held charge as Mamlatdar ordered on 16-6-42 that the encroachment should be removed and it was done so accordingly.

The P. H. preferred an appeal to the Mamlatdar against the order of the Mamlatdar alleging that the order of the Mamlatdar is illegal, that the site belonged to.....

to him and that therefore the Mamlatdar's order be quashed. The District Deputy Collector quashed the order of the Mamlatdar and ordered an enquiry under section 37 L.R.C.

A hand sketch of the site in question is at page 39 (file I). In 1894, Bhimappa Poff No.2 bought one old house situated on the eastern side of the public road and northern side of Basaweshwar temple from one Gangappa. The dimensions of this house as per sale deed, are east to west 29 cubits ($43\frac{1}{2}'$) and north to south 18 cubits ($27'$). But according to the Circle Inspector, the actual measurements of this house are east to west $44'-8"$ and north to south $41'$. Here we are concerned with east to west measurements only. There is a difference of $14"$ in the two (east to west) measurements and this may be attributed to the fact that the measurements in the sale deed are expressed in cubits and cubit is a rough measure. Making allowance for such measurement, the east to west measurements of the house may be said to tally with those specified in the sale deed. In 1896, Tammana, father of Poff No.2 purchased one plot on the eastern side of the old house measuring east to west $33'$ and north to south $37'$. The area covered by this plot thus comes to ~~1419~~ ^{Guntha} 1 ~~plus~~ ^{Sq. Yrd.} $14-2/3$. The Poff contends that the area in dispute is included in this plot, but ~~xxxx~~ this is not correct. If it were so, the south East corner of the house (point B) must coincide with the south west corner of the plot (point C) whereon the new house is built and in that case the lineal measurements of the house and the plot together (west to east) would be $44'$ plus $33' = 77'$. But as a matter of fact this is not so, the actual measurements of being 98. Thus there is a difference of $21'$ which is apparently due to the fact that there is an open space of $21'$ some where ~~to~~ between the points A and D. The east to west measurements of the old house are the same as given in the sale deed. Therefore, there is no question of any encroachment so far as this house is concerned. There is also no encroachment on the plot granted to the Poff in 1896. It was reviewed by the Circle Inspector on 5-11-41, ~~and~~ the.....

11-2-3

~~XXXX~~

the Extra Aval Karkun on 28-1-42 and the Mamlatdar on 19-9-42 and they ^{all} found no encroachment. The sale deed of 1935 produced by the P^{er}ff shows that the whole plot was build upon. It, therefor, follows that there is an encroachment of 21' east to west and this encroached portion must be the site in dispute between points B and C.

The encroacher made out another ground for defence and contended before the Prant Officer that there was an encroachment correspondence in 1920-21 regarding one Channappa having removed a bastion and encroached upon Government space and it was finally decided ~~another~~ ^{that the} ~~that~~ correspondence should be filed as there was no encroachment. The encroacher argued that this correspondence was in respect of the very open space which is now in ^{dispute} ~~dispute~~ ~~to~~ and that as it was decided that there was no encroachment, the question could not be reopened. But it was not shown before the Prant Officer where the Bastion was and who was this Chanappa and how the present open site was the site in dispute then. The Barnishi extracts produced by the P^{er}ff also do not throw any light on the matter. The Prant Officer therefore, decided after ~~personal~~ ~~personal~~ personal inspection of the site and local enquiry that there is an encroachment of ~~212~~ 21' east to west between the old house and the plot. No plea of adverse possession is put forth in this case.

The P^{er}ff, thus being aggrieved by the order of the Prant Officer has filed this suit.

In view of the facts stated above, the P^{er}ff's allegations in para 4 of the plaint are not correct. The suit, therefore, ought to be defended. The P^{er}ffs are not entitled to any ^{of the} ~~any~~ reliefs prayed for by them.

J. F. A. 
Collector of Bijapur.

27th Sept

Civil Judge (Senior Division)

In the Court of the ~~First Class Sub-Judge~~, Bijapur.

Civil Suit No.558 of 1944.

1. Neelappa Bhimappa Totad.)
2. Bhimappa Tammana Totad,) Plaintiffs;

versus

The Province of Bombay.... Defendant.

Written Statement on behalf of the defendant is as follows:-

1. The plaintiffs claim is denied in toto.
2. The land in dispute belongs to Government. The plaintiffs have no title over the same. The allegations in paragraph 3 of the plaint are incorrect and hence denied.
3. The order of the Prant Officer is correct, legal and binding on the plaintiffs.
4. The plaintiffs are not entitled to any relief.
5. It is therefore submitted that the suit fails and must be dismissed with costs.

District Government Pleader, Bijapur.

I, District Government
Pleader, Bijapur, do hereby declare that what is stated in
paragraphs 1 to 5 above is true according to the information
received and believed to be true. This verification is
made at on the day of September 1945.

District Government Pleader, Bijapur.

~~33~~ 7

Suits :

Bijapur.

Encroachment on Government land. B

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT.

Resolution No. 6945. ✓

Bombay Castle, 21st September 1945.

Letter from the Collector of Bijapur, No. L.A.W. 175, dated the 18th June 1945

B IN THE COURT OF THE CIVIL JUDGE, SENIOR DIVISION,
BIJAPUR.

Civil Suit No. 558 of 1944.

Forwarding papers in the suit

(1) Neelappa Bhimappa Totad; (2) Bhimappa
Tammana Totad Plaintiffs;

versus

noted in the margin; and requesting

The Province of Bombay Defendant

Claim—Rs. 15. B

sanction to its defence. 5

Endorsement by the Commissioner, Southern Division, No. L.S.T. 344, dated the 26th June 1945—Forwarding the above with his concurrence.

Memorandum to the District Government Pleader, Bijapur, No. 6944, dated the 21st September 1945—Forwarding a copy of the brief with its accompaniments in advance.

Mo-1 Leg H 35—1

RESOLUTION.—Sanction is accorded to the defence of the suit on the lines of the accompanying brief.

By order of the Governor of Bombay,

Original

P. N. Moos

P. N. MOOS,
Secretary to Government.

G. R., No. 6945, L. D., dated the 21st September 1945.

To

- * The Revenue Department,
- * The Commissioner, Southern Division,
- * The Collector of Bijapur,
- The District Government Pleader, Bijapur (with two copies of the brief).

* With a copy of the brief.

No. of 1945.

Copy forwarded for information and guidance to

Submitted after some

2. File in S. 145 (new file)

871

HSR

Chronological Statement of Facts.

The suit is for a declaration of the plaintiffs' title to a plot of land in the village of Halgani (Taluka Bijapur) and for possession of the same. The land in dispute is shaded red in the sketch, dated 30th July 1943.

2. On 22nd-May 1942, the village officers of Halgani reported to the Mamlatdar of Bijapur that the plaintiff No. 1 had encroached upon the suit land by erecting sticks and bamboos. On 16th-June 1942, the Treasury Head Karkun who held the charge of Mamlatdar ordered that the encroachment should be removed.

3. On 11th August 1942, the plaintiff No. 1 made an appeal against the Mamlatdar's order to the District Deputy Collector. The latter quashed the Mamlatdar's order and directed that an inquiry be made under section 37 of the Land Revenue Code.

4. On 5th October 1943, the Prant Officer after holding an inquiry under section 37 (2) of the Land Revenue Code declared that the site measuring 25' x 21' and shaded red in the sketch was Government land forming part of the public road leading to Baswanna temple.

5. On 2nd October 1944, the plaintiffs gave notice of suit under section 80 of the Civil Procedure Code and on 5th December 1944 they filed the present suit in the Court of the Civil Judge (Senior Division), Bijapur.

Grounds of Defence.

The land in dispute admeasuring 21' East to West and 25' North to South is situated between two houses belonging to plaintiffs on the Eastern and Western side of it. It should be urged that the burden of proving title is upon the plaintiffs. The Prant Officer's decision is correct and

p. 37 of file I.

p. 73. do.

p. 1. do.

p. 9. do.

p. 127. do.

binding on the plaintiffs unless it is shown to be wrong. The position of the two houses and the plot is shown in the sketch in the Prant Officer's order. It appears that the western house was purchased by the plaintiff No. 2 in 1894 while the site on which the eastern house stands was purchased by Tammana Shivlingappa the father of plaintiff No. 2 in 1896. According to the Circle Inspector's report, the dimensions of the western house are 44' 8" east to west and 41' north to south. The dimensions of the eastern house are stated to be 33' east to west and 37' north to south. The Prant Officer has pointed out that there is no encroachment so far as the eastern house is concerned. It might possibly be contended by the plaintiffs (as was done before the Prant Officer) that the site in dispute was included in the site measuring 33' x 37' purchased by Tammana in 1896, in other words, that the western extremity of the Tammana's house coincides with the eastern extremity of the house purchased by plaintiff No. 2. If this be correct, the total east to west length from A to D ought to be 77' 8" but in fact the total length is 98'. It therefore follows that the encroachment must be of 21' between B and C. The Prant Officer has explained this in a detailed report on which reliance should be placed.

2. The plaintiffs have further alleged that they have been using this site for the purpose of tethering cattle. This is mere evidence of user and insufficient to prove title (Vasta v. Secretary of State, I.L.R. 45 Bom. 789; Suraji v. Secretary of State, I.L.R. 39 Bom.L.R. 216). There is no claim of title by adverse possession.

3. The suit therefore fails and must be dismissed with costs.

8
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1/10/15
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To

The Collector of Bijapur.

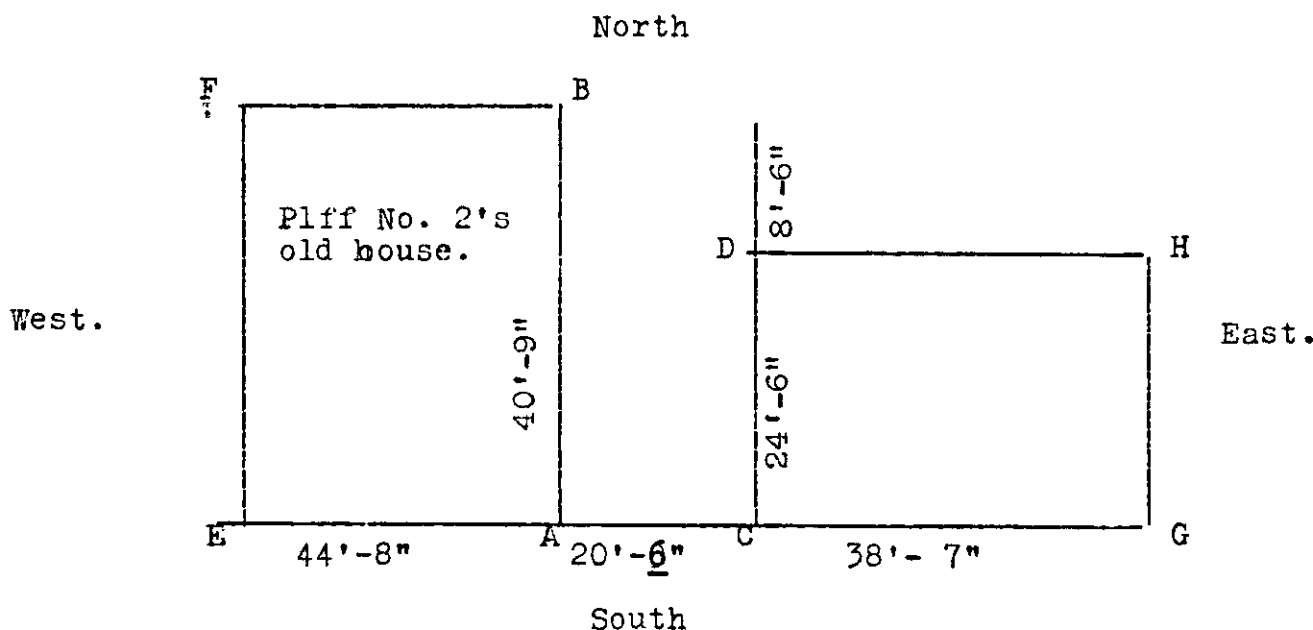
Subject:- Bijapur Civil Suit No. 558 of 1944.

1. Nilappa Bhimappa
2. Bhimappa Tamanna
of Halagani Plffs.
Vs.
The Province of Bombay Deft.

Sir,

In forwarding herewith Files I and II, and a copy of the judgment in the above suit I have the honour to state that the Civil Judge Senior Division delivered judgment in the above suit on 25-11-1946 declaring that the plffs are the owners of the suit site and awarding to them possession of the suit site and costs of the suit. I have to-day applied for certified copy of judgment and decree and they will be forwarded to you as soon as I get them.

2. The Civil Judge inspected the site which is situated at Halgani a village in Bijapur Taluka. The measurements then taken are as follows:-



The open site in dispute is A C D and measures 20'-6" X 24'-6" (roughly speaking it is 24' X 25'). The order of the District Deputy Collector appears at page 127 of File No. 1 and therein the suit site is shown in dotted lines west to east and is marked B C in that order.

3. Plff 2 purchased the old house in 1894 from Tippanna and Gangappa sons of Ramappa under the sale deed Ex. 33. (Copy of the sale deed is at page 173 of File No. I). East to west length

on the southern side of this building is 44'-8". This was so according to the contents of the order of the Deputy Collector, Plff 2 's father took from Government in 1896 an open site measuring 33' east to west and 37' north to south. The plffs produced Patta Ex. 34 granted to them in this respect. To the west of this Patta site the houses of Tippanna Malgar and Channappa Totad are shown. This house of Tippanna was purchased by plff 2 under the sale deed Ex. 33. My arguments on the lines contained in Deputy Collector's order and my further submission that the western boundary is rather loosely shown in the Pata as the house of Tippanna were thus not accepted. In view of this and for reasons stated in para 4 of the judgment of the Civil Judge I am of opinion that the finding of the Civil Judge that the suit site forms part of the site granted under the Patta appears to be correct.

4. The learned Civil Judge interprets the contents of the Barnishi to mean that a wall at A C had been built, and that the village officers had made an adverse report about this very site. (The Barnishi Extracts appear at page 167 of File I). But the entries therein do not conclusively go to show that the site in question was the subject matter of the then proceeding. The learned Judge has accepted the evidence of plff No.1 and his two witnesses. Plff No.1 is an interested party. His two witnesses accompanied him on the day of hearing for giving evidence. If the finding of the Civil Judge were to have been wholly or mainly based on this oral evidence, I would have no hesitation in urging that an appeal should be preferred.

In view of what I have stated in para 3 above I am of opinion that this is not a fit case for preferring an appeal. I am forwarding a copy of this letter to the Remembrancer of Legal Affairs. I will forward to you a certified copy of judgment and a certified copy of decree as soon as I get them for favour of forwarding them to the Remembrancer of Legal Affairs with your opinion as to whether an appeal should be filed or not (Please vide Rule 132 of Law Officers Rules).

Your Obedient Servant

No 845 of 1946
26.11.1946.

Ahmed

A

District Government Pleader, Bijapur.

Copy with Copy of judgment respectfully submitted to the Remembrancer of Legal Affairs Bangalore.
Ahmed
District Government Pleader, Bijapur

39 13

Received on -

Registered on -

Decided on-

Duration-

IN THE COURT OF THE CIVIL JUDGE, SENIOR DIVISION,

AT BIJAPUR.

Civil Suit No. 558 of 1944.

1. Nilappa Bhimappa Totad, Lingayat, 55,
agriculture, of Halagani, Taluka Bijapur.
 2. Bhimappa Tammanna Totad, Lingayat of do. 6 plaintiffs.
- Vs.

1. The Province of Bombay. Defendant.

The Plaintiffs sue for a declaration that they are the owners of the suit open site, for possession and costs, alleging that their residential house lies to the west of the suit property, that plff No.2's father purchased it in 1894 from Government on a tenure of 99 years and got a Patta, that they built a wall and erected a tin shed for tethering their cattle etc., that in this was they were making wahivat of the suit property till 1942, that in 1942 the Government treating it as a Government property pulled down the wall and seized its possession, that plff No.1 the applied to the D.D.C. complaining against that act, that the D.D.C. declared it as a Government property on 5-10-1943, that this order of the D.D.C. is illegal and ultra vires, that the cause of action are on the above date.

The deft contends by written statement Ex.15 that plffs have no title over the suit property, that the order of the Prant Officer is correct and legal, that the suit should be dismissed with costs.

The issues for trial as per Ex.17.

1. Do plffs prove their title to suit property ?
2. Are plffs entitled to possession ?
3. What order ?

My findings are:-

1. Yes.
2. Yes.
3. As per order

Reasons.

1. The suit property is an open site measuring 21 feet east-

-west and 25 feet north-south. It lies to the east of the residential house of plff. Ex.38-A. is the map drawn by the Circle Inspector with correct measurements taken by me personally at the time of inspection of site which I did on the request of the plff in the presence of the pleaders of both parties. A.B.C.D. is the suit property. It is an open site. B.A.E.F. is the residential house of plffs. C.G.H.D. is another built house belonging to the plffs. The case of plffs is that this open site was purchased by their grand-father from Government on a tenure of 99 years and that they had erected a wall at A.C. and built a tin shed for tethering their cattle. Their further case is that in 1919, the village officers made a false report to the Mamlatdar, to the effect, that it was a Govt. property. The Mamlatdar thereupon inspected the site personally and found that it was the private property of the plffs. The Mamlatdar then warned the village officers not to rake up such false dispute. In 1942, the village officers again made a similar report, whereupon the Mamlatdar ordered the village officers of Halagani to put down the wall A.C. and to remove the tin-shed. Accordingly, they removed the tinshed and the wall. Plff No.1 then applied to the D.D.C. to hold an enquiry as regards his title. The Prant Officer after holding an enquiry declared that it was Government property on 5-10-1943. vide order of the Prant Officer Ex.35. Thereupon, plffs have filed this suit for a declaration that they are the owners of the suit property and that the possession should be awarded to them.

2. The deft is Government. The Government denies title of the plf and asserts that the order of the Prant Officer is quite legal and intra-vires.

3. Issue No. 1. Plff No. 1 is examined at Ex.39. His father ^{plff} No.2 is too old to be brought to the court. He avers that the suit property was purchased by his grand-father in 1896 by means of a Patta on tenure of 99 years, that his father had built a wall at A.C. and erected a tin shed about 40 years ago and since that time they were tethering their cattle till 1942 in which year the wall and the tin shed were removed by the village officers on the orders of the Mamlatdar. This story has

been supported by his witness Bhagareppa Ex.40 and Basayya Ex.41. *Bhagareppa is a guilty of the same loan and is paying amount of Rs 300/- W.X.*
There is a Basaweshwar temple to the south of Plffs' residential

house A.E.F.B. which is shown in Ex. 38A. Basayya Ex.41 is a Pujari

X. supports in toto the story narrated by plff No.1.

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5-101

3.

of that temple. He too supports the story of plff No.1. He further adds that on account of the wall A.C. till the last 42 years, the public were not using this open site as a way for going to the temple. On the Government side, the Circle Inspector Tuljansa Ex.42 has been cited. As usual, he speaks in favour of Government and asserts that the open site was used by the public as a way for going to the Basweshwar Temple. I have inspected the site and found that there are two different ways for going to the temple. The first way is behind the residential house of plffs to the west.. The second way lies from the Hanuman temple to the west. These two ways are also testified to by plff No.1 and his witness Bhaggareppa Ex.40. The above story has been consistently supported by the documentary evidence produced by plffs.

4. Ex.34 is the Patta granted to the grand-father of plff No.1 by Government. It is dated 16-3-1896. It conveys an open site measuring 33 feet east-west and 37 feet north-south. The Patta describes clearly the four boundaries. To the west of this Patta site the houses of Tippanna Malgar and Channappa Totad are shown. This house of Tippanna Malgar was purchased by plff No.2 in 1894 vide sale deed Ex.33. To the south of this purchased house of Tippanna Malgar the temple of Basweshwar is shown. To the east of this purchased house the open site of Government is shown. This open site forms the property which was purchased by Patta by the plff no.1's grand-father in 1896. This Channappa who is shown in the Patta Ex.34 is the mother's father of plff No.1. He gifted ^{away} this house to plff No.1's mother by name Rangavabai gift deed Ex.32. These two houses covered by Exs. 32 and 33 form the residential house of Plffs at present. Beyond these two houses the Patta site lies to the east. So, the Patta site as is evident from the description of the boundaries given in Ex. 34 and 33 extends from the eastern wall of the residential house of plffs i.e. A.B. The learned pleader of the deft argues that the description of the western boundary in the Patta Ex.34 is rather very loose and that the Patta site extends from C.D. to the east excluding the open site in dispute. He means to say that the

suit. open site was not sold by the Patta to the ancestor of plffs.

There is absolutely no foundation for this sort of reasoning of deft's learned pleader. The case of deft's learned pleader is that this open site was a public way which was used by the public for going to the Basweshwar temple. If it was a fact, this public way would have been shown to the west of the Patta site sold to plffs' ancestor as another public way was shown to the north of this Patta site by Government vide Ex.34. I do not think that there is any substance in the argument of deft's learned pleader..

5. Secondly, the learned pleader ~~of deft~~ ^{deft} is trying to show from the alleged subsequent conduct of plffs in building a portion to the east after leaving this gap in the form of the suit property that they never intended to purchase this open site by means of the Patta Ex.34. The Plffs have purchased 33 feet east-west by means of this Patta. They have built a building to the east covering 24 feet 6 inches north-south and 30 feet 7 inches east-west. Plffs had left the suit property as open site in front of their residential house. The plffs have practically built upon a greater portion east-west than what was covered by the Patta. To the east of their residential house, plffs are in possession of 59 feet practically though they bought 33 feet only by means of the Patta. They have encroached no doubt a large portion of the Government site but it does not follow that they have encroached the suit property exactly. To my mind it strikes that they have made the encroachment to the east and not at the vicinity of their residential house. This open site was not neglected by plffs' ancestor. There is in evidence from the Barnishi extract Ex.30 dated 16-11-1921 that in 1910 plffs' ancestor had built a wall at A.C. and an iron shed for tethering their cattle vide Ex.30, the Barnishi extract. In 1919 the village officers made an adverse report to the Mamlatdar as regards this very open site treating it as a Government Property and thus an encroached property. The Mamlatdar inspected the site and found that it was the private property of the plffs. The Mamlatdar thereupon warned the village officers not to rake up such false dispute and allowed plffs' ancestor to make vahivat of the iron shed and the suit property. Such vahivat

5.

4-437

was continued upto 1942 when it was removed by the Mamlatdar on the report of the village officers. Thus we find that plaintiffs were making use of this property since 1910 till 1942. It is therefore ridiculous to draw an inference from the conduct of the plaintiffs' father in keeping this gap and building a portion to the east of this gap, that he never purchased the suit property, by means of this Patta. The Patta Ex.34 carries full conviction into our heart that this suit property was purchased by plaintiff No.1's grand-father in 1896.

6. Much is made of the statement Ex.43 of plaintiff No.2, recorded by the Circle Inspector on 9-12-42 vide Ex.43. In this statement, plaintiff No.2 did not assert that the suit property was purchased by his father from Government. Plaintiff No. 2 made a vague assertion in the statement that he was making a claim of it because his predecessor in title by

6.

ma, e Gangappa was making vahivat of it. This is an inadvertant statement given by the old man and loses much of its force if we take into consideration the exact property conveyed by the Patta. My opinion is that the Government has absolutely no case in this suit. Pliffs' title has been clearly established by the Patta. They were in possession within 12 years next before the date of the suit. They are therefore entitled to the declaration and possession. My findings on all issue are accordingly.

Order.

It is hereby declared that pliffs are the owners of the suit property.

Pliffs do recover possession of the suit property and costs of the suit from deft.

The deft do bear their own costs.

4 True copy

A. K. R. S. R.
District Government Pleader
Rajap

Sd/- N-V. Ransubhe

Civil Judge, Sr. Dn.

25-11-1946.

THE SECRETARY TO GOVERNMENT
LEGAL DEPT. A. R. S. R.
File No. 10816
Sub No. 29-11-46
Branch A.



Suits:

Bijapur.
Encroachment on Government land.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 112

Bombay Castle, January 1947.

slp R. Read Government Resolution, Legal Department, No. 6945 dated the 21st September 1945.

p.1 Endorsement by the District Government Pleader, Bijapur, No. 845, dated the 26th December 1946.- Forwarding

In the Court of the Civil Judge,
Senior Division, Bijapur.

Civil Suit No. 558 of 1944.

(1) Neelappa Bhimappa Totad;
(2) Bhimappa Tammana Totad .
..... Plaintiffs;
Vs.

The Province of Bombay. Defendant.

Claim-Rs. 15.

a copy of his letter No. 844, dated the 26th December 1946 to the Collector of Bijapur together with an uncertified copy of the judgment and decree in the suit noted in the margin which was decided by

the Civil Judge, Senior Division, Bijapur on 25th November 1946 when the following order was passed :-

"The Plaintiffs are the owner of the suit property. The plaintiffs do recover possession of the suit property and the cost of the suit from the defendant. The defendants do bear their own costs".

and stating that the case is not a fit one for preferring an appeal.

p.7 Endorsement by the Collector of Bijapur, No. L.A.W. 175 dated the 11th December 1946.- Forwarding letters from the District Government Pleader, Bijapur, No. 844, dated the 26th November 1946 and No. 880, dated the 6th December 1946 together with their accompaniments and stating that the decision of the Civil Judge, Senior Division, Bijapur may be acquiesced in.

RESOLUTION :- The result of the suit is recorded.

By order of the Governor of Bombay,

Original. R. M. Mehta

R.M. MEHTA,
Assistant Secretary to Government.

To
The Revenue Department,
The Commissioner, Southern Division,
The Collector of Bijapur (with case papers).

14/12/47
uits:

Bijapur.
Encroachment on Government land.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 112
Bombay Castle, January 1947.

slip R Read Government Resolution, Legal Department, No.6945
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In the Court of the Civil Judge,
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"The Plaintiffs are the owner of the suit property.
The plaintiffs do recover possession of the suit
property and the cost of the suit from the defendant.
The defendants do bear their own costs"

and stating that the case is not a fit one for preferring
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p.17
Endorsement by the Collector of Bijapur, No.L.A.W.
175 dated the 11th December 1946.- Forwarding letters
from the District Government Pleader, Bijapur, No.844,
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RESOLUTION :- The result of the suit is recorded.

By order of the Governor of Bombay,

Original R. M. Mehta

R.M. MEHTA,
Assistant Secretary to Government.

To
The Revenue Department,
The Commissioner, Southern Division,
The Collector of Bijapur (with case papers).

LK.
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Since
hmm
4/1/47

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Enclosed on Government
at present.

add after issue
File in S. B. 4/45

GOVERNMENT OF BOMBAY
Legal Department
Registration No.
Bombay Castle

KB
6/1

Read Government Resolution, Legal Department, No. 245
dated the 31st September 1945.

S.A.S
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6/1

understand by the District Government, Legal Department, No. 245, dated the 31st September 1945 - forwarding

copy of the
letter No. 245
dated the 31st
September 1945 to
the Collector
of District
together with an
unrecorded copy
of the
judgment and
decree in the
suit noted in
the margin which
was decided by

In the Court of the Civil Judge,
Senior Division, Bhatnagar
Civil Suit No. 158 of 1944
(1) Nalaga Bhimappa Totad
(2) Bhimappa Totad
vs.
The Revenue of Bombay, Defendant.
Claim No. 15

the Civil Judge, Senior Division, Bhatnagar on 28th November 1945 when the following order was passed:-

"The plaintiffs are the owners of the suit property.
The plaintiffs do recover possession of the suit
property and the cost of the suit from the defendant.
The defendants do bear their own costs."

and stating that the case is not a fit one for referring
an appeal.

Orderment by the Collector of Bhatnagar, No. 245, dated the 31st December 1945 - forwarding letters
to the District Government, Legal Department, No. 245, dated the 31st November 1945 and No. 246, dated the 31st December 1945 together with their recommendations and
stating that the decision of the Civil Judge, Senior
Division, Bhatnagar may be acquiesced in.

RECEIVED:- The result of the suit is recorded.

By order of the Governor of Bombay:

Assistant Secretary to Government.

The Revenue Department,
The Commissioner, Southern Division,
The Collector of Bhatnagar (with case papers).

S. B. 4/45

2.1.41